

EXHIBIT B

2021CVA001393D2

CAUSE NO. _____

ELIZABETH REYES	§	IN THE DISTRICT COURT
PLAINTIFF,	§	
	§	
VS.	§	____ JUDICIAL DISTRICT
	§	
JANUSZ PLACZEK AND URSUS	§	
TRANSPORT INC.	§	
DEFENDANTS.	§	WEBB COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Comes Now Elizabeth Reyes, hereinafter referred to as Plaintiff, complaining of and about Defendants Janusz Placzek and Ursus Transport Inc., hereinafter referred to as Defendants, and for causes of action files this Plaintiff's Original Petition. In support thereof, Plaintiff would respectfully show unto the Court the following:

A. Tex.R.Civ.P. 47 Disclosure and Discovery Control Plan

- 1.1 Plaintiff seeks monetary relief of \$250,000.00 or less. *Tex.R.Civ.P. 47*
- 1.2 Plaintiff intends to conduct discovery under Level 1 of the Tex. R. Civ. P., as provided for in Tex. R. Civ. P. 169 for expedited actions..

B. Parties and Service

- 2.1 Plaintiff is an individual who resides in Webb County, Texas.
- 2.2 Defendant Janusz Placzek is an individual residing in Oakville, Ontario, Canda. Defendant may be served at 1211 Hudson Place, Oakville, Ontario, Canada. Plaintiff requests citation at this time and will serve Defendant through a private civil

process server.

2.3 Defendant Ursus Transport Inc. is a Foreign Company doing business in Texas. Defendant may be served with process by serving its registered agent, Jeffrey Fultz at Process Agent Service Company, Inc. located at 1221 McKinney, Ste. 4300, Houston, Texas, 77010. Plaintiff requests citation at this time and will serve Defendant through a private civil process server.

C. Jurisdiction and Venue

3.1 This Court has subject matter jurisdiction over this action because Plaintiff seeks damages within the Court's jurisdictional limits.

3.2 Venue is proper in Webb County, Texas, under Texas Civil Practice and Remedies Code §15.002(a)(1) because all or a substantial part of the events or omissions giving rise to Plaintiff's cause of action occurred in Laredo, Webb County, Texas.

D. Facts

4.1 The statements above and below are incorporated and/or adopted here by reference as if set forth verbatim.

4.2 On or about September 26, 2019, Plaintiff Elizabeth Reyes suffered personal injuries and other damages when the vehicle which she was driving was struck by a vehicle operated by Defendant Janusz Placzek. The vehicle driven by Defendant Janusz Placzek was owned by Defendant Ursus Transport Inc.. At the time of the wreck in question, Defendant Janusz Placzek was under the course and scope of his employment with Defendant Ursus Transport Inc..

E. Causes of Action

5.1 The statements above and below are incorporated and/or adopted here by reference as if set forth verbatim.

Count One - Negligence

5.2 At the time of the collision, Defendant Janusz Placzek, as an employee and/or agent of Defendant Ursus Transport Inc., was operating his vehicle negligently. Defendant Janusz Placzek had a duty to exercise ordinary care and operate his vehicle reasonably and prudently; he breached that duty in one or more of the following ways:

- a. Failing to drive in a single lane;
- b. Failing to obey the traffic laws and regulations as set forth in the Texas Transportation Code and NHTSA commercial safety guidelines;
- c. Failing to yield the right-of-way;
- d. Failing to be aware of his conditions and surroundings;
- e. Failing to turn to the vehicle to avoid the collision;
- f. Driver inattention.

5.3 Defendant Janusz Placzek's negligence proximately caused Plaintiff's injuries and other damages.

Count Two - Respondeat Superior

5.4 Because Defendant Janusz Placzek was an employee and/or agent of Defendant Ursus Transport Inc., Plaintiff hereby invokes the doctrine of respondeat superior/vicarious liability, and seeks to hold Defendant Ursus Transport Inc. responsible for the acts or omissions of its employee and/or agent, Defendant Janusz Placzek, as if they

were committed by Defendant Ursus Transport Inc. itself.

Count Three - Negligent Retention and Supervision

5.5 As a cargo carrier over the roads of Texas, Defendant Ursus Transport Inc. had a duty to retain only those drivers who were competent and were not reckless, incompetent and/or unlicensed. Defendant Ursus Transport Inc. further had a duty to properly supervise those drivers it did employ.

5.6 Defendant Ursus Transport Inc. breached that duty by retaining drivers and employees who were not competent, and/or were reckless. Defendant Ursus Transport Inc.'s breach proximately caused Plaintiff's injuries and other damages.

Prayer

Wherefore, premises considered, Plaintiff respectfully prays that Defendants be cited to appear and answer this suit, and that Plaintiff ultimately has judgment against Defendants for the following:

- a. Physical pain in the past and future;
- b. Mental anguish in the past and future;
- c. Physical impairment in the past and future;
- d. Medical expenses in the past and future;
- e. Lost wages;
- f. Lost earning capacity in the past and future;
- g. Property damage, including diminished value and/or loss of use;
- h. Costs of suit;
- i. Pre-judgment and post-judgment interest; and

- j. All other relief, at law or in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

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